IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Con. Case (C) No. 801 of 2007 (S)

AGAINST THE JUDGEMENT IN OP. 21126/2002 DATED 29.08.2002
.....

PETITIONER/PETITIONER IN THE OP.

E.C. CHERIAN, CONTRACTOR, AGED 49 YEARS,
S/O. JOSEPH CHERIAN, CONTRACTOR,
INCHIKALA ALIAS, KUNNATH HOUSE, THELLAKAM POST,
ATHIRAMPUZHA VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SHRI P. KURUVILLA JACOB.

RESPONDENTS/RESPONDENTS NO. 1 AND 4 IN THE OP::
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1. C. RAMACHANDRAN,
(WHOSE AGE AND FATHER'S NAME ARE NOT KNOWN TO THE PETITIONER), CHIEF SECRETARY, GOVT. OF KERALA,
SECRETARIAT BUILDING, THIRUVANANTHAPURAM.

2. JOSEMON ANTONY, AGED 52 YEARS,
S/O. K.J. ANTONY, THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION,
KOTTAYAM.

BY SR. GOVERNMENT PLEADER SMT. MEERA.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C) No. 801 OF 2007

.....

Dated this the 8th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This Court while disposing of O.P.No. 21126 of 2002 by judgment dated 29th August, 2002, had issued the following directions, they are as under:

> *"(i) In all cases where the bills were presented, scrutinised and registered prior to the year 2001, the undisputed amounts shall be paid by 31.12.2002 failing which the undisputed amount shall carry simple interest at the rate of 12% per annum from the date of registration of the respective bills.*
>
> *(ii) In the case of bills registered in the year 2001 onwards, undisputed amount shall be paid by 31.12.2002 failing which interest at the rate of 12% per annum from 1st January, 2003 shall become payable on such amounts.*
>
> *(iii) The above directions are subject to the priority laid down in the order of the Full Bench*

in W.A.No. 2120 of 2000."

2. Alleging that the respondents have disobeyed the orders and directions issued by this Court , the petitioner in the Original Petition has filed this Contempt Case, with a request to us to initiate appropriate proceedings under the provisions of the Contempt of Courts Act, against the respondents for their wilful and deliberate disobedience of the orders and directions issued by this Court.

3. We have carefully perused the orders passed by this Court. This Court has only stated that the respondents in the Original Petition shall pay the undisputed amounts to the petitioner in the Original Petition on or before 31st December, 2002, failing which the undisputed amount shall carry simple interest at the rate of 12% per annum from the date of registration of the respective bills.

4. The order so passed by the learned single Judge, in our opinion, does not give a positive direction to the respondents to pay the undisputed amounts with interest, but it only says to pay the undisputed amount within a particular time frame, failing which, the undisputed amount would carry simple interest at the rate of 12% per annum.

5. In our opinion, if for any reason, the respondents have not complied with the aforesaid orders and directions issued by this Court, the complainant should have approached the appropriate forum for appropriate reliefs . That cannot be done by filing a Contempt Case under sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India. In that view of the matter, we cannot take cognizance of this Contempt Case. It requires to be rejected and accordingly, it is rejected. I.A. No. 306 of 2007 is also disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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